

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

HUBER ENGINEERED WOODS LLC,	)	
	)	
Plaintiff and	)	
Counterclaim-Defendant,	)	
	)	
v.	)	C.A. No. 19-342 (VAC) (SRF)
	)	
LOUISIANA-PACIFIC CORPORATION,	)	
	)	
Defendant and	)	
Counterclaim-Plaintiff.	)	

**PLAINTIFF HUBER ENGINEERED WOODS LLC’S MOTION TO STRIKE CERTAIN  
INVALIDITY CONTENTIONS AND PRIOR ART REFERENCES**

Plaintiff Huber Engineered Woods LLC (“HEW”) moves to strike (1) portions of Defendant Louisiana-Pacific Corporation’s (“LP”) Initial Invalidity and Unenforceability Contentions Post-Amended Complaint (the “New Invalidity Contentions”) that cite new prior art references for the first time; (2) Exhibits T-W of the New Invalidity Contentions; (3) Exhibits X and Y of the New Invalidity Contentions; and (4) arguments raised in the New Invalidity Contentions that LP could have raised previously but did not. The grounds for this motion are set forth in HEW’s Opening Letter Brief filed herewith.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ *Brian P. Egan*

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April 7, 2022

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**RULE 7.1.1 CERTIFICATE**

I hereby certify that the subject of the foregoing motion has been discussed with counsel for the defendant and that we have not been able to reach agreement.

/s/ Brian P. Egan

Brian P. Egan (#6227)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

HUBER ENGINEERED WOODS LLC,	)	
	)	
Plaintiff and	)	
Counterclaim-Defendant,	)	
	)	
v.	)	C.A. No. 19-342-VAC-SRF
	)	
LOUISIANA-PACIFIC CORPORATION,	)	
	)	
Defendant and	)	
Counterclaim-Plaintiff.	)	

**[PROPOSED] ORDER**

Having considered HEW's Motion to Strike, **IT IS HEREBY ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2022, that:

1. HEW's Motion to Strike is GRANTED;
2. The following are STRICKEN:
  - a. All portions of Defendant Louisiana-Pacific Corporation's Initial Invalidity Contentions Post-Amended Complaint that cite or refer to prior art references not cited in Defendant's prior invalidity contentions, including specifically any portions of the Initial Invalidity Contentions Post-Amended Complaint that cite or refer to the references identified by Defendant as Sudin, Carroll, Grant, CamoPanel, ThermoPly, Akzo Seal Crete Type Coating, Akzo Acrylic Coating, Valspar Black Board Coating, Snow Tree T-900 Coating, Schmidt, Lubker II, Bibee, Jaffee, Lubker, Hagen, Carrol, Kondos, Toas, Borenstein, Snyder, Lembo, Mehta, Mankell, Albertone, McDaniel, Williams II, Kelch, UBC, and IBC;

- b. Exhibits T-W of Defendant's Initial Invalidity Contentions Post-Amended Complaint;
- c. Exhibits X and Y of Defendant's Initial Invalidity Contentions Post-Amended Complaint; and
- d. Arguments raised in Defendant's Initial Invalidity Contentions Post-Amended Complaint that could have been raised by Defendant previously but were not, including the Double-Patenting Contentions in Section III of Defendant Louisiana-Pacific Corporation's Initial Invalidity Contentions Post-Amended Complaint; the Inventorship Contentions in Section V of Defendant Louisiana-Pacific Corporation's Initial Invalidity Contentions Post-Amended Complaint; the Enablement Contentions in Section VIII of Defendant Louisiana-Pacific Corporation's Initial Invalidity Contentions Post-Amended Complaint; the Estoppel Contentions in Section XII of Defendant Louisiana-Pacific Corporation's Initial Invalidity Contentions Post-Amended Complaint; and the Incorporation By Reference Contentions in Section XIV of Defendant Louisiana-Pacific Corporation's Initial Invalidity Contentions Post-Amended Complaint.

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THE HONORABLE SHERRY R. FALLON  
UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on April 7, 2022, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on April 7, 2022, upon the following in the manner indicated:

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